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SPEECH

## HON. C. R. BECKALEW. OF PENNSYLVANIA,

In the Senate of the United States, February 21st 1866. [Continued from last week's paper.]

Mr. President, I do not dislike or dedustrious, enterprising and thrifty; his this Government.

himself. I thought so until I remem- But now, the war being concluded, had writter af out

in any quarter. It will make three facts which pertain to it. classes of States, each class having rep- But most of the reorganized State

those governments set up under his authority and protection should be recogpized as lawful and valid governments for those States in all respects, and that the people who adhered to them, should, as a matter of course and of right, be represented in both Houses of Congress and participate in presidential elections.

A doctrine so unreasonable, so monstrous, could not pass unchallenged. It was resisted in Congress and resisted with success. On the 29th of June, 1864. Fishback and Baxter, claiming seats in this Senate as Senators from Arkansas, were rejected by a vote of 27 to 6. On the 8th day of February, 1865, Congress by joint resolution determined that the electoral votes of Louisiana, Arkansas, Tennessee, and Virginia, (as well as of other southern States, should not be counted for President and Vice President in the joint convention of the two Houses then about to be held. And at the last eession, claimants to seats in this Secate from Lousianaia, Arkansas, and Virginia were not admitted.

lu all this I concurred most heartily I thought it unjust and scandalous that a small part of the population of a southern State should wield the whole political power of the State in Congress and in the election of President. Besides, the governments set up in those State were military rather than popular ; spise New England. I am content to they were, notoriously, not only set up acknowledge her meri's, to deal justly but conducted under military surveilby her people, and even to overlook in lance. In short, they were military and some degree what I conceive to be her provisional both in origin and character, errors of opinion and extravagancies of and were wholly unfit to wield the foronduct. The man of the East is in mer political power of those States in

ments in the pursuits of private life and ervation of order and in aid of our milin public employments constitute a prom- itary power, they were, in my opinion. inent part of the national history. He most proper and useful. Local governhas reclaimed the forest and the prairie ment which would otherwise have been to the uses of man; has been active in managed exclusively by our military offieducational improvement and in estab- cers, under the President, was, through posed to myself for discussion at this time, lishing a literature which, however de- them, managed and administered (as far come to the last and principal one. I mean e, gives promise of future excel- as could be done with safety) by the peolence. He has been a producer of wealth, ple themselves. Those who were friendly and his activity has been a great cle- to our cau-e in the hostile section, who ment of national force and of national adhered to us in the struggle in which progress. And he has won distinction we were engaged, acted in aid of us and upon the oceas as well as upon the land, in subservience to our military command-not only in naval conflicts in the late ers, conducted their own affairs. When war, and still more in former wars, but our Army was in Mexico under General also in the pursuits of peaceful commerce. Scott, the municipal authorities of cities He carries our flag over great seas, to and towns who were friendly or abstaindistant i-lands, and to the uttermost parts | ed from hostilities against us were per-

Sugland mariner was celebrated by Ed- But it was quite absurd to hold, as some mund Burke in language that will never heid, that they were State governors and State governments in the ordinary sense of those terms, and that the miner-By the way, sir, that excellent word ities who submitted to them were to be vexed-excellent in the connection in considered the whole people for purposes which it is used-I once thought was a of representation in Congress and for seintillation of the fine genius of Burke participation in presidential elections.

the whole southern people having submitted to the authority of the United Sir, the parsage is to be found in the States, the question of the recognition excluding Indians not taxed : Provided, That ple of equality, is to be amended in a manof these Lincoln governments recurs whenever the elective tranchise shall be de-Protesting, then, that I am not prompt upon us. They are still in existence, and nied or abridged in any State on account of ed by antipathy or jealousy toward the ask recognition from the President and race or color, all persons therein of such This amendment is supported in part up whether the rule of representation accord-East, I proceed to mention the remedial from Congress as real and complete State race or color shall be excluded from the on the ground that by emancipation twomeasures which will remove the inequal- governments for all persons whatsoever. basis of representation. ity complained of, or at least reduce it It clearly follows, from what I have By referring to one of the existing Constituion added general adoption. The exceptional case of fiance of any opposition or remonstrance. thin tolerable bounds. The first rem- said, that the argument in their favor Constitution, read by me in the outset of to the representative basis is the Southern a population part slave is now removed. The temptation to frame amendments in the edy will be what has already been sug- must be placed upon grounds which did my remarks, we are enabled to understand States, that therefore an amendment is nec- from our problem, and we may consider it interests of a party will be too strong for gested, the admission of Senators into not exist during the war. Actual inde- the nature and extent of the change propos- essary to prevent a positive increase of without reference to that disturbing cause. self-resistance by the majority. Possessthe Senate from the eleven States of the pendence of military control, and the ac- ed by the resolution. By the existing Con- southern power. South; for by increosing the whole quiescence of the people of the States number of members in the Senate the interested, must clearly appear to justify existing inequality will sink in relative the full admission of their claims Howmportance. Though it will not disap- ever imperfect they may have been as pear, it will be less potent and pernicious State governments originally, however than at present. The second and more local and provisional in character and effectual remedy will be an amendment subservient to military domination for of the Constitution readjusting senatorial merly, they may become complete and more equal and satisfactory than it now nition. I am content to take up each

resentation somewhat in proportion to its governments present themselves before us relative importance in the Union, while in a different attitude : they form a disstitutions of State government, and have, equally to both these subjects. subsequently, under regulation of law, nission of southern Senators and Repre- body. The proceeding of reorganization point involves one of the remedies for the President, and has been free from astern predominance in the Senate, al- any setual interference of military force;

sion of southern members into Congress

rests upon a clear, distinct provision of at once make restoration complete.

argument, sometimes urged, that these State governments were irregular in origin; that no specific law authorized the appointment of provisional governors, or authorized the provisional governors to call conventions for forming new constitutions. What is material in the makng of a constitution is, that the people concerned shall in fact make or adopt it; material, if there be no constraint.

Pennsylvania constitution of 1776, was correspondence, and not by the Legislature. No law whatever authorized the convention, and yet it made a constitution which stood for fourteen years as the constitution of Pennsylvania, and he State came into the Federal Union with it as her fundamental law. In that constitution the council of censors established by it was authorized to call conventions to amend the constitutions, and the Legislature a convention was chosen which is yet in existence.

I may also mention, what is well known, that several new States whose constitutions were irregular in origin have been admitted into the Union by Congress. It was held to be sufficient that they were in fact made by the people who were to be bound by them.

AMENDING THE CONSTITUTION.

Having spoken to the other points pro on the subject of representation.

The pending proposition of amendment was, in its original form introduced into the House of Representatives on the 8th of Jannary, by one of the members from Maine. For purposes of convenience, I shall call it the Blaine amendment, naming it after the

of the earth. He drops the line as a mitted to carry on their own local goy. committee of fifteen, reported back to the patient 6-berman off the Newfoundland ernments in subordination to our author- House, and after some consideration again banks, or follows, with poised spear, the ity. I could never see the slightest diffi- referred to the committee on the 30th of walrus and the whale among the ice- culty in holding that Mr. Lincoln's January. The committee again reported is bergs of the North. A hundred years provisional governors and local govern- to the House on the following day, when see the enterprise and thritt of the New ments were quite regular and lawful .- it was passed under the operation of the previous question, without general debate. The member reporting it was permitted to support it in a speech of much bitterness closed. It is now before us for consideration in the form in which it passed the House

Agrictic.-Representatives shall be apbered that the great ma-ter before him the southern armies having surrendered, portioned among the several States which

extended to such race generally upon the make any difference that emancipation is ers of the earth. I would not exchange it ing the Legislatures which are to ratify or

It is also to be considered that the ducted from the population of the State in | upon the States, we accepted all its appro- agree to modify it in its particular applica- I am opposed to party amendments, propower to admit members by each House assigning it Representatives in Congress .- printe consequences, including some en- tion to some community or class of persons posed suddenly here, in the absence of of Congress is beyond dispute; for it Every State in which Africans or Asiatics largement of the representative basis. That in the spirit which prompted our fathers in members from nearly one third of the are found is to be subjected to a constitu- it was our act instead of the act of the adoption of the three-fifths clause; but States, without any instigation or prior the Constitution. By a simple, direct tional pressure in favor of indiscriminating States we propose to disfranchise, can be this would be a concession to particular cir- knowledge of the people, and to be adoptact, then, fully authorized, Congress can suffrage to all races and colors of mankind no reason for imposing upon them the pres- cumstances, consisting an exception to the ed by Legislatures chosen without any reffound within its borders. If it refuse or entamendment. I have not been at all troubled by the neglect to establish such indiscriminating 2. The argument is plainly insufficient, self. suffrage, it is to pay the penalty in a loss of because it covers but a part of the subject- For the present, in passing upon the power in the Federal government. And it is matter of the amendment. The argument Blaine amendment, we can have no diffito be observed that even where the disfran. applies only to two fifths of the slave pop- culty in determining that the exception chisement is but partial, the whole race, and ulation emancipated by the war. But the not merely the part distranchised, is to be amendment applies to the whole negro popdeducted from the population of the State ulation, whether slave or free before the in assigning it Representatives.

called into action for the purpose is im- Negro or Asiatic suffrage must be accepted, which did not join the rebellion, and every- ments at this time by Congress-I mean the or the State will be stripped of a portion of where excludes colored non-voters, whether submission by Congress of amendments to The convention which formed the the powes which she now holds under the slave or free before the war, from compu-Constitution. This is, therefore, a penal tation. The free negroes of Pennsylvania called by the Philadelphia committee of amendment. While it assumes to leave the and of Maryland are to be excluded from a great if not fatal one, that eleven States large a mass of opinion will only produce imposes a penalty upon it if it decide in a no relation to them. Constitutional right to full representation whole. I do not think it impossible that which she now holds. It is virtually a de- the census of 1870 with show a decrease of there was no other provision for amend- cision by Congress that to withhold negro the negro population within the late slave ment. Yet under a simple resolution of suffrage to any extent or for any cause is States, as compared with the census of 1860, criminal and justly obnoxious to punish- of much more than one million. At al which formed the constitution of 1790, ment, and that that punishment shall be im- events, the rate of mortality during the last

cording to the whole population. There is after.

changed, it should be the sale of taxation. ment would properly be one which simply our own act, or our failure to act. Their The growth of the country, aggregating removed the cause of complaint; and an representatives stand at our doors, compewealth in particular districts and States, to a amendment which would provide that two tent and willing to take part in our progreater extent than in others, has made the fifths of the negro population, late slaves. constitutional rule of taxation unequal and and their descendants, should not be count- of government. The reason which existed Objectionable. An old State, and especially ed, although free, would meet the whole rea manufacturing State, is more able to pay quirement of the argument now under no upon a former occasion, for our separate taxes than a new State, or an agricultural tice. And if it should be said that such an action in proposing an amendment to the present remarks. I mean the division of ily upon the latter than upon the former .- it, and more convenient of application, might act alone; and if we do not act alone it will different representation to each class. To An amendment of the rule, therefore, which | be substituted. At all events, the argument would impose taxes among the States ac- does not support the amendment now cording to the taxable property in each, in- pending, which departs from it to the whole before we enter upon the view grave work crease in the number of Senators, it will be stead of according to the number of inhab- extent of the free colored population before of changing the fundamental law which is itants, might stand abandantly justified up- the war,, to the whole extent of three fifths to extend to all and to bind all. and power, but the mouth of opposition was on grounds of justice and convenience — of the slave population, and also of all Asibut no such change is proposed by this atic inhabitants of the Pacific States. Of ment is the probability that any amendamendment. Whatever inconvenience or course I state this point according to the ment made at this time will be a partisan hardship arises from the present rule, is dis- existing facts, suffrage being with- amendment. The party in the majority for regarded, and it is wholly untouched, while held from the negro and other inferior races time being will, naturally enough, seek to the rule of representative apportionment, in all the States where their numbers are perpetuate its power, to secure itself against ment in the rule of senatorial representa-

stitution representation is based upon the This argument may be repelled upon sev- be the proper basis, for they established it immediate purpose in hand, it is fulle to whole number of inhabitants in the States, eral grounds, which I proceed to state : for themselves and for us, limited only by expect impartial action from it. But God amendment exclusive of Indians not taxed. Females 1. The rule for counting the whole popu- a temporary provision, which met the ex- forbid that the Constitution should be made children, and foreigners are counted, and all lation was originally intended to be restrain- ceptional case of the slave. Certainly even the subject of mere party amendment !negroes and mulattoes are also counted, in ed only so long as slavery should exist. It the committee of fifteen thought popula. The fact will be both bad in itself and of asmuch as slavesy no longer exists. The was intended by the fathers that whenever lation a better basis than any other, for they evil example in future times. The excesses computation of "three fifths of all other emancipation took place in a State, the do not suggest property, electoral qualifi-, and injustice of party, as exhibited in ordirepresentation upon a more just basis. acceptable State governments by the art persons" besides freemen, as contemplated emancipated population should pass into cation, territory, or any other general basis nary legislation, can be speedily corrected. Let it be provided that States contain- or acquiescence of the people concerned, in the Constitution, will no longer be made; the representative basis. Therefore, in as a substitute. And if we pass from au- Laws can be modified or repealed with ing more than one million and less than the military power formerly exercised for there is no class of inhabitants which amending the Constitution as proposed, we thority to reason, what can be more clear great fecility whenever their imperfections three millions, two Senators; and States over them being withdrawn. In this falls within the description of those words, defeat their intention and overfule their than the convenience and equality of the become manifest; but the Constitution is a containing more than three millions, view, neither irregularity of origin nor They are henceforth inoperative and useless judgment upon this subject,. Have we rule of population? Our question concerns permanent instrument, and bad provisions State action, and capable of regulation only three Senators. This arrangement will an imperfect constitution in their earlier it follows that all inhabitants in a state, ex- not been told a thousand times that the representation of States as such, and a once placed in it cannot be easily removed. make representation in the Senate much stages need prevent their present recog- cept uniform as to 3, The members of this Congress were purposes of representation under the Con- country, and took that expectation into ac- all; and operate equally upon all, is the rule not chosen with any reference to the subis, and ought not to meet with objection case and jugde it upon the particular stitution. And it will be observed that the count in framing the fundamental law !- alike of justice and of wisdom. Your ject of constitutional amendment. Their are now to be proposed, this one must be rule for apportioning Representatives accor. They did not even admit the term "slaves" amendment strikes at the States with un- action will be voluntary upon this embject. ding to population will be also the rule for or "slavery" into the Constitution, but de- equal hand; a part of them will be wholly and quite unprompted by any public sentiimposing direct taxes. Each State is to pay scribed slaves, in the clause we are consid- unaffected by it, while upon others it will ment manifested in their election. It is but the State basis for senatorial representation timet class from those just mentioned. direct taxes according to the whole number ering as "other persons, after naming free be, and was intended to be, an instrument reasonable that some popular consideration tion, one of the best features of our con- They have been formed at the instance of its inhabitants, excluding Indians untax- men, and in the fugitive slave clause as to coerce their internal policy, or to punish should be given to questions of amendment stitutional system, will be retained in of the President of the United States ed. The abrogation of the three fifths rule persons held to service and labor. They them for the free and independent exercise before they are sanctioned or proposed by since the termination of the war, and in by emancipation applies equally to the ap- gave Congress authority to prohibit the of their own judgment. On the countrary, Congress, But no such consideration has Premising that I shall recur to this a manner which I consider to be-perfectly portionment of Representatives and the im- slave trade after 1808, under the words the rule of population presses nowhere and been given by the people to any one of the point hereafter, I will now proceed to regular and lawful. The people have, position of direct raxes. Whatever change "prohibiting migration of offends nowhere. It offers no bribe on the various amendments which are now prothe second division of my subject the through selected delegates, formed con- has been caused by emancipation applies persons," and it was well known to them one hand, and inflicts no punishment on posed here. Besides, this is a war Conequally to both these subjects.

that the States had then already begun to the other. It tends to Larmony, because it gress, chosen when passions were warm Now, the Blaine amendment, leaving the emancipate their slaves. The Fennsylva- produces no discontent. Besides, what bet- and violence abroad in the land. It must I use this term as including two points : elected Legislatures and Representatives | Constitution to stand upon this subject in all nia statue of emancipation had been passed ter rule for the security of local interests | necessarily partake of the passions of the first, the reorganization of southern in Congress. And their Legislatures other respects precisely as I have described a few years before, and other States than that of population can be conceived? time when its members were chosen, and state governments; and second, the adit, provides that whenever in any State there had taken, or were about to take, steps That of voters is open to most weighty ob- be less suited to the calm duties of states. shall be an exclusion from the elective fran- in the same direction. Unquestionably, jections, some of which have been well manship involved in proposing amendchise on account of race or color, all per- therefore, they contemplated that the three stated, both in this Senate and in the House. meuts. sons of such race or color shall be excluded fifths clause would expend itself in the That of property is odious and anti-republi- 4. Whatever amendments are now proand the governments set up have been from enumeration for purposes of repre- course of time, and that the whole popular can. One based on territorial divisions is posed by Congress are to be submitted to I was one of those who thought the recognized by the President as valid and sentation in the lower House of Congress. tion of the States would fall within the rule on the only possible one Legislatures, and not to popular convenprovisional governments set up in the complete. Why should not Congress That is the very remarkable proposition of representation which they established.— is that which already obtains for the Senate, tions in the States; and most of those Legouth under Mr. Lincoln's Administra- also recognize them? Why should not which comes from the committee of fifteen, I say, then, with confidence, that we have and is inapplicable to the more popular islatures are to be the ones now in session.

war, wherever suffrage is withheld from Now, one of two things must happen in | them. It strides heavily at the representaand the means by which their power is a State in case this amendment be adopted. tion of Maryland, Keutucky, and other States, State free to regulate suffrage for itself, it enumeration upon an argument which has are unrepresented in the Senate and House.

particular way. No matter how strong, or 3. The argument does not take into aceven imperative, may be the reasons against count the rate of mortality in the slave pop. owering the standard of suffrage in a State plation since the outbreak of the war. That to the capacity of the negro or Chinaman, mertality has been very great, and has been the State must do it or be stripped of the estimated to amount to a fifth part of the posed by three fourths of the States upon four years is fearfully great, and though the remainder bo means of a constitutional it cannot be exactly stated, it is a fact which Again, the amendment makes no change extent of decreased numbers among this in the apportionment of direct taxes among people the argument I am answering fails. the States. They are to be apportioned ac- and it may be still further weakened here-

to be no abatement, in proportion to the dis- 4. But if the argument were perfectly franchisement of the State in her represen- sound and satisfactory, it would not justify tation, although under the Constitution as it this amendment, but one of a very different stands and always has stood, taxation and character. If the addition of two-fifths of representation are put upon the same basis. the late slave population to the representation are put upon the same basis. the late slave population to the representation are put upon the same basis. one, and the distribution of taxation accord- amendment could not be conveniently aning to numbers will press much more heav. plied, I answer that one nearly equivalent to

ner most odious and objectionable. amendment, it only remains to consider posing interest in proposing or passing a fifths of the slave population are, under the persons in a State, is not the proper one for House, it can do and perform its will in desome under Mr. Lincoln's Administration was algitimate and proper. But I regarded them in a very different light from that in which they appeared to be the welfare of that each provided by him. He sent provisional governments to several of the southern stress of the southern also sum Major Hay to Florida upon an appellition of government-making which they appeared to the more popular in and which has been approved by the House of Representatives chosen under their authority be admitted to seats of Representatives chosen under their authority be admitted to seats of Representatives by a two-thirds voic.

The amendment presents an alternative to the work of the way whatever; ther are not even to be altoned by the war, is not an onexpected or unforeseen event, they have been approved by the House of Representatives by a two-thirds voic.

The amendment presents an alternative to the work of the way whatever; ther are not even to be altoned to their admission, or by the total rejection of the people act up to each State in which they established, if we are to be proposed to the country to be promoted by delay in the two Houses? I sthe welfare of the welfare of the two Houses? Is the welfare of the two Houses? The ment of congress. I conclude, there is now realized a state of things which they appeared to the two they in the two Houses? Is the welfare of the two Houses? The ment of considered to the two their and the interpretation, caused by the war, is that people are not to act upon the and the treatment people are not to act upon the anterpretation, caused by the war, is that people are not to act upon the subject of the wist of the people are not to act upon the subject of the more popular in the two Houses? Is

which it proposes to the rule of population I shall very willingly contribute one of the votes by which it shall be condemned.

But there are general objections which stand opposed to any propositions of amendthe States for their adoption.

jorities of their population were hostitle to us and overbore the loyal parts. There was then total State incapacity, self produced, sent. for any action whatever within this Government. They discharged here no duties and they could exercise no powers. But how stands the case now? What a change shall not be confined to those which have rom rebellion to submission; from hostile | fifteen,or been presented in the two Houses-State organizations to loyal ones! Those ceedings, and to assist in the common work on a former occasion, or which was urged equality, which might assume the form case. There is no necessity now that we numbers of population, and assinging a Let the whole country be represented here after, with a consequent inconvenient in-

amendment which it may propose. It is rescinded, If it be alleged that such amend-

rule and not an abandonment of the rule it- erence to the questions we thrust upon

5. Finally in submitting amendments at this time, we invite a dispute upon the question of the degree of legislative assent necessary to their adoption. If ratified by is most offensive, unreasonable, and unjust. the Legislatures of less than three fourths of all the States, their validity will be denied, and their enforcement resisted. That denial must be made, not only by the unrepresented States, but by all men in the country who hold the views of the last and of the present executive Adminstrations .-And the fact of the attempt to force an 1. First in order is the objection, and it is amendment upon the country against so "bad blood" and increase the difficulties of They are not heard in debates which may our situation. You will not, probably, get affect their interests and weifare in all fu. your amendments assented to by the name. ture time. Nor can those who represent ber of States which, in the opinion of the them vote here upon any question. I know President and Secretary of State, are necit may be said that these States withdrew essary to their adoption. And then the from our companionship in 1851, and that question comes up, is it wise to raise this by their own fault they stand unrepresented subject of difference to disturb our future here. This was the answer to the argu- counsels? Besides, it is to be considered ment that they were absent when the that the very manner, the spirit in which amendment abolishing slavery was under these amendments are proposed is well consideration in Congress. But I insist that calculated to dhieat their cordial acceptance the case has wholly changed since that by the whole country. The whole pro time. They were then voluntarily absent, ceeding looks like a piece of sharp man-They were destitute of State organizations agement by a congressional majority to which were in accord with us and submis- consolidate their own power, and to force sive to our Constitution and laws, and ma- amendments upon the people of the country, or at least upon a large part of them, without full consideration and their free as-

But if amendments are to be proposed at this time, I insist that the whole subject of amendment shall be opened, and that we to receive, untimately, that degree and extent of favor which should always support

The first is a change in senatorial representation to remove or mitigate existing insuggested by me in a former part of my the States into three classes, according to well also to provide that the numbers upon which the classification is based shall be raised hereafter, some rule of proportion between them being still retained.

If it should be said that the concluding clause of the fifth article of the existing Constitution stands opposed to any improvefuture changes of public sentiment, in any tion, I answer that that clause itself may be ment would be revolutionary in character. or at least a violation of the faith pledged by the States to each other in forming the Constitution, I answer, it would no more bear such imputation than would an amendment regulating suffrage in the States, or any other which would concern the internal policy of any State, which may be independent of, or remotely connected with. those general objects for which the Coustitution was made; and such objection will already adopted for the abolition of slavery in the States. In fact, the abolition amendment, and amendments regulating State suffrage, or other question of exclusive State policy, would be much more obnoxious to the objection aban one regulating States. For the latter would relate to a Federal question wholly beyond separate in a new form, by the amendment power of

If, then, amendments of the Constitution considered, and its consideration will be pressed. If the hand of reform is to be laid upon our fundamental law, it must not be permitted to strike inferior points where change is desired, and omit to strike this point of senatorial inequality. That inequality must be corrected, and it will be corrected. Six States out of thirty-six, of out of the greater number which we will have hereafter, cannot successfully resist a proposition to deprive them of an unjust or nordinate power in the Governmeni, in derogation of the interests and against the opinions and will of the other States. I say. then, that if representation in this Govern ment is to be changed at all by constitution. al amendment, the representation of the East must and will be reduced to an equality with that of other sections of the Union: and to this work the Representatives of the abatement until justice shall be secured.

But there is another improvement in representation, infinitely more importrat than any yet mentioned, to which the attention of Congress and of the American people should be earnestly directed. No other possible change relating to representrion can compete with it in importance, or produce results equally beneficial.

in elections of members of Congress. apply or use a majority, or rather a classic